

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Civil No. 11-cr-40/01-JL

Troy Woodruff

**O R D E R**

The defendant's motion for recommendation for place of confinement (doc. no. 93) is DENIED. While the court has no objection to the defendant's placement at FMC-Devens pending briefing and appellate argument, it declines to make the requested recommendation under Rule 38(b)(2): (1) The defendant makes too much of (or reads too much into) the court's purely advisory recommendation at sentencing, which was only that he be incarcerated at FMC-Devens "or the closest available and appropriate" federal correctional facility (which, of course, may or may not be Devens); (2) the defendant offers no facts or details to support the contention that the placement at FMC-Devens would facilitate meaningful assistance to his appellate counsel's representation of his interests; and (3) the Court has every confidence that the BOP will place the defendant with the appropriate resources to satisfy his psychiatric and psychological needs.

SO ORDERED.

  
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Joseph N. Laplante  
United States District Judge

Dated: January 17, 2013

cc: Terry L. Ollila, AUSA  
Michael J. Tuteur, Esq.  
Theodore M. Lothstein, Esq.